

Notice of Allowability**Application No.**

10/816,238

Applicant(s)

ASHER ET AL.

Examiner

Robert M. Pond

Art Unit

3625

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview (20090520); Reply (4/03/09); Examiner's Amendment (20090519).
2. ☒ The allowed claim(s) is/are 11-18, 20 and 38-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/11/09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20090520
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Robert M. Pond/
Primary Examiner, Art Unit 3625

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in a telephone interview with Ms. Ruth Ma Swilling #55,414 on 20 May 2009.

Claims Allowed

Claims 11-18, 20 and 38-64 entered 03 April 2009 are allowed. Claims 1-10, 19 and 21-37 are canceled.

In the Claims

- Delete claim 11 in its entirety and insert therefore:
 - -11. A method comprising:
 - selecting, using a computing device, an item for auction, wherein the item is selected from a plurality of items stored on a server;
 - transmitting to a remote device an indication that the selected item is available for auction for a period of time, wherein the remote device is connected to the computing device via a network;

receiving, from each of a plurality of bidders, at least one bid to purchase the selected item, wherein each bid is received before the period of time has expired and each bidder is located remotely from the server;

determining, using the computing device, that the period of time has expired based on determining that:

(1) a first quantity of bids is received before a first time interval, wherein the first quantity of bids is less than a first pre-determined value; and

(2) a second quantity of bids is received before a second time interval, wherein the second quantity of bids is less than a second pre-determined value; and

determining a winning bid for the selected item based on predetermined criteria. - -

- Delete claim 13 in its entirety and insert therefore:

- -13. The method of claim 11, wherein the receiving at least one bid to purchase the selected item further comprises: receiving, via a wireless device, at least one bid from each of the plurality of bidders. - -

- Delete claims 15 and 16 in their entirety and insert therefore:

- -15. The method of claim 11 further comprising: associating each of the plurality of items with an electronic bidsheet that is stored in the server, and wherein the electronic bidsheet comprises at least one bid to purchase the item. - -

16. The method of claim 15, wherein each electronic bidsheet comprises a description of the associated item. - -

- Delete claims 17 and 18 in their entirety and insert therefore:

- 17. The method of claim 11, wherein the receiving at least one bid to purchase the selected item further comprises: receiving, via a local client, at least one bid from each of the plurality of bidders, wherein each client comprises a graphical user interface that is operable to receive an identifier of each bidder.

18. The method of claim 17, wherein the identifier of the bidder comprises a card number that coupled with a card reader is operable to process a card associated with the card number. - -

- Delete claim 20 in its entirety and insert therefore:

- 20. The method of claim 11 wherein the determining a winning bid for the selected item based on the predetermined criteria further comprises: determining that a value associated with the winning bid is greater than a plurality of other values associated with other bids submitted during the period of time. - -

- Delete claim 40 in its entirety and insert therefore:

- 40. The method of claim 11, wherein the first quantity of bids is greater than the second quantity of bids.- -

- Delete claims 41-64 in their entirety and insert therefore:

- 41. An apparatus comprising:

a processor; and

a memory, wherein the memory stores instructions which, when executed by the processor, direct the processor to perform the acts of:

selecting, using a computing device, an item for auction, wherein the item is selected from a plurality of items stored on a server;

transmitting to a remote device an indication that the selected item is available for auction for a period of time, wherein the remote device is connected to the computing device via a network;

receiving, from each of a plurality of bidders, at least one bid to purchase the selected item, wherein each bid is received before the period of time has expired and each bidder is located remotely from the server; determining, using the computing device, that the period of time has expired based on determining that:

- (1) a first quantity of bids is received before a first time interval, wherein the first quantity of bids is less than a first pre-determined value; and
- (2) a second quantity of bids is received before a second time interval, wherein the second quantity of bids is less than a second pre-determined value; and

determining a winning bid for the selected item based on predetermined criteria.

42. The apparatus of claim 41, wherein the instructions further direct the processor to perform the act of: receiving each bid via a wireless connection.

43. The apparatus of claim 41, wherein the act of receiving at least one bid to purchase the selected item further comprises: receiving, via a wireless device, at least one bid from each of the plurality of bidders.

44. The apparatus of claim 41, wherein the instructions further direct the processor to perform the act of: receiving each bid associated with the item via an auction site.

45. The apparatus of claim 41, wherein the instructions further direct the processor to perform the act of: associating each of the plurality of items with an electronic bidsheet that is stored in the server, and wherein the electronic bidsheet comprises at least one bid to purchase the item.

46. The apparatus of claim 45, wherein each electronic bidsheet comprises a description of the associated item.

47. The apparatus of claim 41, wherein the act of receiving at least one bid to purchase the selected item further comprises: receiving, via a local client, at least one bid from each of the plurality of bidders wherein each client comprises a graphical user interface that is operable to receive an identifier of each bidder.

48. The apparatus of claim 47, wherein the identifier of the bidder comprises a card number that coupled with a card reader is operable to process a card associated with the card number.

49. The apparatus of claim 41, wherein the act of determining the winning bid for the selected item based on the predetermined criteria further comprises: determining that a value associated with the winning bid is greater than a plurality of other values associated with other bids submitted during the period of time.

50. The apparatus of claim 41, wherein the instructions further direct the processor to perform the acts of:

- receiving a payment for the selected item from a bidder who submitted the winning bid; and
- delivering the selected item to the bidder who submitted the winning bid.

51. The apparatus of claim 41, wherein the instructions further direct the processor to perform the acts of:

- receiving at least one other bid from at least one other customer after the period of time has expired; and
- notifying the other customer that the other bid has been rejected.

52. The apparatus of claim 41, wherein the first quantity of bids is greater than the second quantity of bids.

53. An article of manufacture comprising:

a storage medium, wherein the storage medium stores instructions which, when executed by a processor, direct the processor to perform the acts of:

selecting, an item for auction, wherein the item is selected from a plurality of items stored on a server;

transmitting to a remote device an indication that the selected item is available for auction for a period of time, wherein the remote device is connected to the computing device via a network;

receiving, from each of a plurality of bidders, at least one bid to purchase the selected item, wherein each bid is received before the period of time has expired and each bidder is located remotely from the server;

determining, using the computing device, that the period of time has expired based on determining that:

(1) a first quantity of bids is received before a first time interval, wherein the first quantity of bids is less than a first pre-determined value; and

(2) a second quantity of bids is received before a second time interval, wherein the second quantity of bids is less than a second pre-determined value; and

determining a winning bid for the selected item based on predetermined criteria.

54. The article of manufacture of claim 53, wherein the instructions further direct the processor to perform the act of: receiving each bid via a wireless connection.

55. The article of manufacture of claim 53, wherein the act of receiving at least one bid to purchase the selected item further comprises: receiving, via a wireless device, at least one bid from each of the plurality of bidders.

56. The article of manufacture of claim 53, wherein the instructions further direct the processor to perform the act of: receiving each bid associated with the item via an auction site.

57. The article of manufacture of claim 53, wherein the instructions further direct the processor to perform the act of: associating each of the plurality of items with an electronic bidsheet that is stored in the server, and wherein the electronic bidsheet comprises at least one bid to purchase the item.

58. The article of manufacture of claim 57, wherein each electronic bidsheet comprises a description of the associated item.

59. The article of manufacture of claim 53, wherein the act of receiving at least one bid to purchase the selected item further comprises: receiving, via a local client, at least one bid from each of the plurality of bidders, wherein each client comprises a graphical user interface that is operable to receive an identifier of each bidder.

60. The article of manufacture of claim 59, wherein the identifier of the bidder comprises a card number that coupled with a card reader is operable to process a card associated with the card number.

61. The article of manufacture of claim 53, wherein the act of determining the winning bid for the selected item based on the predetermined criteria further comprises: determining that a value associated with the winning bid is greater

than a plurality of other values associated with other bids submitted during the period of time.

62. The article of manufacture of claim 53, wherein the instructions further direct the processor to perform the acts of:

receiving a payment for the selected item from a bidder who submitted the winning bid; and

delivering the selected item to the bidder who submitted the winning bid.

63. The article of manufacture of claim 53, wherein the instructions further direct the processor to perform the acts of:

receiving at least one other bid from at least one other customer after the period of time has expired; and

notifying the other customer that the other bid has been rejected.

64. The article of manufacture of claim 53, wherein the first quantity of bids is greater than the second quantity of bids.- -

Examiner Notes

Closest US Patent/US Patent Publication Prior Art

Krueger (Paper #20071108, US 2002/0062276). Forward citations failed to product closer patent/patent publication prior art. IDS data on record with Krueger failed to identify closer prior art.

Closest Non-patent Literature Prior Art

Blue Moon (Paper #20070314-A, Item U)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
May 20, 2009